

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SCOTTSDALE INSURANCE COMPANY,)

VS
Tantum;

Case No.: 2:12-cv-01328-GMN-CWH

LIBERTY MUTUAL INSURANCE COMPANY,

Defendants.)

ORDER

Pending before the Court is the Partial Motion for Summary Judgment (ECF No. 41), Motion for Leave to File Excess Pages (ECF No. 54), and Motion for Leave to File Amended Motion for Summary Judgment (ECF No. 60) filed by Plaintiff Scottsdale Insurance Company (“Plaintiff”).

I. BACKGROUND

Plaintiff filed its Motion for Partial Summary Judgment (ECF No. 41) on October 18, 2013, which included as an exhibit a separate Statement of Undisputed Facts. (ECF No. 41-1.) On the same day, because its brief exceeded thirty pages, Plaintiff filed a Motion to File Excess Pages (ECF No. 40) pursuant to Local Rule 7-4, which the Court granted (ECF No. 42.) In response to Plaintiff's Motion for Partial Summary Judgment, Defendant Liberty Mutual Insurance Company ("Defendant") filed two separate documents, a twelve page Response to Plaintiff's Motion for Partial Summary Judgment (ECF No. 51) and a fifty-nine page Response to Scottsdale's Statement of Proposed Undisputed Facts. (ECF No. 53.) Defendant, however, did not request leave of the Court to file excess pages in its responses. On January 7, 2014, Plaintiff filed a Reply to Defendants Response (ECF No. 51) and an accompanying Motion for

1 Leave to File Excess Pages (ECF No. 54) because its reply brief exceeded the twenty page limit
2 provided in Local Rule 7-4.

3 On February 13, 2014, the Court issued an Order to Show Cause (ECF No. 57), ordering
4 Defendant to show cause why the Court should not strike Defendant's excessively lengthy
5 responses to Plaintiff's Motion for Partial Summary Judgment. The Order to Show Cause also
6 directed the parties to file facts on which they jointly agreed, excepting from the page limit any
7 pages dedicated to a jointly-filed Statement of Undisputed Facts.

8 On February 20, 2014, Defendant filed its Response to Order to Show Cause. (ECF No.
9 58.) In its response, Defendant requested leave to file Plaintiff's and Defendant's Jointly Filed
10 Agreed Statement of Undisputed Facts (Response to Order to Show Cause Ex. A, ECF No. 58.)
11 Defendant also requested leave to file its Amended Response to Scottsdale's Statement of
12 Proposed Undisputed Facts (*Id.*) and its previously filed Memorandum of Points and
13 Authorities in Opposition to Scottsdale's Motion for Summary Judgment (ECF No. 51) with
14 excess pages.

15 Subsequently, on March 11, 2014, Plaintiff filed its Motion for Leave to Amend Motion
16 for Summary Judgment. (ECF No. 60.) In its motion, Plaintiff requested that the Court: (1)
17 accept for filing Plaintiff's and Defendant's Jointly Filed Agreed Statement of Undisputed
18 Facts , (2) accept for filing Plaintiff's proposed Amended Motion for Partial Summary
19 Judgment (Ex. 1 to Motion for Leave to Amend , ECF No. 60), and (3) hold that if the Court
20 grants the motion, that the Court's prior leave to file excess pages for Plaintiff's original
21 Motion for Partial Summary Judgment be applied to the proposed amended motion.

22 **II. DISCUSSION**

23 Plaintiff requests leave to file its proposed Amended Motion for Partial Summary
24 Judgment to reflect Plaintiff's and Defendant's Jointly Filed Agreed Statement of Undisputed
25 Facts (Response to Order to Show Cause Ex. A, ECF No. 58.) Defendant has not filed any

1 opposition to the motion. Plaintiff contends that the arguments set forth in its proposed
2 Amended Motion for Partial Summary Judgment remain unchanged. Accordingly, the Court
3 expects the arguments of Defendant's response brief and Plaintiff's reply brief to also remain
4 substantially unchanged. Therefore, the Court will set an abbreviated briefing schedule, and
5 will set a date for a hearing on Plaintiff's Amended Motion for Partial Summary Judgment and
6 Defendant's currently pending Motion for Summary Judgment (ECF No. 38.)

7 **III. CONCLUSION**

8 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to Amend Motion for
9 Summary Judgment (ECF No. 60) is **GRANTED**. The Clerk of the Court shall file under seal
10 Plaintiff's proposed Amended Motion for Partial Summary Judgment, attached as Exhibit 1 to
11 Plaintiff's Motion for Leave to Amend Motion for Summary Judgment (ECF No. 60), as
12 Plaintiff's Amended Motion for Partial Summary Judgment.

13 **IT IS FURTHER ORDERED** that Defendant's response brief to Plaintiff's Amended
14 Motion for Partial Summary Judgment is **due by September 10, 2014**. As requested in
15 Defendant's Response to Order to Show Cause (ECF No. 58), the Court shall grant Defendant
16 leave to file its response with twenty-four (24) additional pages. Plaintiff's reply brief is **due**
17 **by September 17, 2014**. As requested in Plaintiff's Motion for Leave to File Excess Pages
18 (ECF No. 54), the Court grants Plaintiff leave to file its reply brief with ten (10) additional
19 pages.

20 **IT IS FURTHER ORDERED** that Motion Hearing to hear Plaintiff's Amended Motion
21 for Partial Summary Judgment and Defendant's Motion for Summary Judgment (ECF No. 38)
22 is **set for September 25, 2014 at 2:30 PM** in LV Courtroom 7D before Chief Judge Gloria M.
23 Navarro.

24 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Partial Summary Judgment
25 (ECF No. 41) and Plaintiff's Motion for Leave to File Excess Pages (ECF No. 54) are

DENIED as MOOT.

DATED this 2nd day of September, 2014.

Gloria M. Navarro, Chief Judge
United States District Court